PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Kristen L. Bhatti et al.	Examiner: Thanh T. Nguyen Art Unit: 2144
Serial No.: 09/873,741	
Filed: 06/04/2001	
For: Method and System For Providing Technical Support Documents Via The Internet	
Date Notice of Appeal: Nov. 16, 2007	Attorney Docket No.: 10008151-1

APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Appeal Brief is timely provided to support the Notice of Appeal filed Nov. 16, 2007.

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that these papers are being transmitted to The Patent and Trademark Office via electronic filing on January 16, 2008.

Peter Kraguljac

1. Real Party in Interest:

The real party in interest is Hewlett-Packard Development Company, LP, a limited partnership established under the laws of the State of Texas and having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holdings, LLC.

2. Related Appeals and Interferences

There are no other prior and/or pending appeals, interferences, or judicial proceedings that are related to, directly affect, or that will be directly affected by or have a bearing on the Board's decision.

3. Status of Claims

Claims 1-15 are pending in the application.

Claims 1-15 stand rejected.

No claims were canceled.

No claims were allowed.

The rejections of claims 1-15 are appealed.

4. Status of Amendments

No Amendments were filed subsequent to the Final Office Action.

5. Summary of Claimed Subject Matter

Independent Claim 1

Claim 1 is directed to a method for selectively providing technical support documents from a web server having access to the requested technical support documents to a peripheral device that has printer, scanner and/or fax functionality via the Internet, the peripheral device being of the type which is capable of executing activated operating events and having an associated web client with a stored default URL for accessing the web server (see spec. page 4, lines 9-27; Fig. 1, web server 12, technical support documents 26, peripheral device 14 with firmware 22 and default URL 24).

The method comprises activating an event on the device (spec. page 4, lines 3-4). Then, the default uniform resource locator with the activated event is requested (spec. page 4, lines 4-5). One or more of the technical support documents are then returned to the device that relate to the activated event of the requested uniform resource locator (spec. page 4, lines 5-6).

Independent Claim 3

Claim 3 is directed to a method for selectively providing technical support documents from a web server having access to the requested technical support documents from a web server having access to the requested technical support documents to a peripheral device that has a printer, scanner and/or fax functionality via the Internet, the peripheral device being of the type which is capable of executing activated operating events and having an associated web client with a stored default URL for accessing the web server (see spec. page 4,

lines 9-27; Fig. 1, web server 12, technical support documents 26, peripheral device 14 with firmware 22 and default URL 24).

The method comprises activating an event on the device (spec. page 4, lines 3-4); requesting the default uniform resource locator with the activated event (spec. page 4, lines 4-5); and returning to the device one or more of the technical support documents that relate to the activated event of the requested uniform resource locator (spec. page 4, lines 5-6).

Claim 3 further recites that the requesting of the default uniform resource locator further comprises reading a device state table of the peripheral device and obtaining a most recently activated event from the device state table (spec. page 5, lines 14-16; fig. 2, blocks 34 and 36). Then it determines whether the most recently activated event produced an error (spec. page 5, lines 26-27; fig. 2, block 44).

Independent Claim 7

Claim 7 is directed to a method and recites that in response to receiving a help command, identifying an event which has occurred on a peripheral device where the event has produced an error (spec. page 5, lines 5-8 and 26-27; fig. 2, block 44). A request to a web server is then transmitted using a default uniform resource locator (spec. page 5, lines 16-17; fig. 2, block 38). Claim 7 further recites that the request causes the web server to return one or more technical support documents which relate to the error (spec. page 6, lines 26-27; fig. 2, block 54).

Independent Claim 8

Claim 8 is directed to a computer program product (e.g. fig. 2, firmware 22) comprising a computer usable medium having computer readable program codes

embodied in the medium that when executed causes a computer to obtain a most recently activated event from a device state table in a peripheral device computer (spec. page 5, lines 15-16; fig. 2, block 36). The peripheral device computer is part of a peripheral device that has printer, scanner and/or fax functionality (e.g. see fig. 1, embedded web server 18 in peripheral device 14). Claim 8 further recites that a request is made for a default uniform resource locator for a server having technical support documents relating to the most recently activated event (spec. page 5, lines 20-22; fig. 2, block 42). Then, one or more technical support documents are returned relating to the most recently activated event to the device (spec. page 6, lines 3-6; fig. 2, block 54).

Independent Claim 9

Claim 9 is directed to a computer program product (e.g. fig. 2, firmware 22) comprising a computer usable medium having computer readable program codes embodied in the medium that when executed causes a computer to select an event on a peripheral device where the event has produced an error message (spec. page 5, lines 15-16 and 26-27; fig. 2, blocks 36 and 44). A default uniform resource locator from firmware of the peripheral device is then obtained (spec. page 5, lines 16-17; fig. 2, block 38).

Claim 9 further recites that the default uniform resource locator is used to transmit to a remote computer a request that identifies at least one of the selected event and the error message (spec. page 6, lines 24-26; fig. 2, block 42). One or more technical support documents relating to the error message are returned to the peripheral device (spec. page 6, lines 26-27; fig. 2, block 54).

Independent Claim 10

Claim 10 is directed to a system for providing technical support documents to a peripheral device via the Internet and comprises a peripheral device having a web client (spec. page 4, lines 13-15, fig. 1, peripheral device 14 and embedded server 18), the peripheral device being configured to request, in response to an error event, a relevant technical support document from a web server using a default uniform resource locator (spec. page 3, lines 3-7; fig. 1, default URL 24).

The system also includes a web server for responding to the request by returning the relevant technical support document relating to the error event (spec. page 4, lines 18-21; fig. 1, web server 12).

6. Grounds of Rejection to be Reviewed on Appeal

I. Whether Claims 1-7 are unpatentable under 35 U.S.C. §102(e) as being anticipated by Colby et al. (U.S. Pat. No. 6,625,643) ("Colby").

II. Whether Claims 3, 4, and 5 are unpatentable under 35 U.S.C. §103(a) as being obvious over Colby in view of Sullivan (U.S. Patent No. 6,615,240).

III. Whether Claims 8-15 are unpatentable under 35 U.S.C. §103(a) as being obvious over Colby, in view of Sullivan (U.S. Patent No. 6,615,240), in view of Parupudi et al. (U.S. Patent No. 6,859,829).

7. Argument

I. Whether Claims 1-7 are unpatentable under 35 U.S.C. §102(e) as being anticipated by Colby et al. (U.S. Pat. No. 6,625,643) ("Colby").

All rejections on appeal are based on Colby. As will be described, Colby's teachings are far removed from the present claims and the reliance on Colby in the rejections is not on point. Colby fails to establish a prima facie anticipation rejection and the rejection cannot stand.

For a 35 U.S.C. §102 reference to anticipate a claim, the reference must teach each and every element of the claim. Section 2131 of the MPEP recites:

> A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Colby fails to teach each and every element of the claims, and in fact is not related to the claims. Rather, Colby teaches a broadcast manager that automatically commits resources and sets up network interconnections to produce a broadcast session on a data network. Colby's system is constructed to provide a multimedia distribution service that enables publishers to register multimedia presentations with the service and enables viewers to view these presentations (see Colby Abstract and Summary of Invention). The presentations, also called "events" by Colby, are Internet broadcast events similar to television broadcasts except via the Internet (Colby, col. 2, lines 60-67). Colby's broadcast events have no relevance or similarity to the peripheral device error events recited in the present claims. Indeed, the purpose of Colby is to provide "an improved method of managing broadcast events over a data network." (Colby, col. 3, lines 6-8). Thus, Colby is very far removed from the present claims.

Looking to the rejection, the Final Office Action cites Colby, column 4, lines 5-22 as teaching the claimed element of "returning to the device one or more of the technical support documents that relate to the activated event of the requested uniform resource locator." (see Final Office Action, page 3 and 11). Appellant respectfully submits that the cited sections of Colby do not teach or suggest each and every element of claim 1 and thus Colby fails to support the rejection. This section is discussed as follows:

Colby, column 4, lines 5-22, are reproduced below in the left column. Appellant's comments are in the right column. A line-by-line comparison shows that there is no mention of returning technical documents as claimed.

"The invention is described below, with reference to several detailed illustrative embodiments. It will be apparent that the invention can be embodied in a wide variety of forms, some of which may be quite different from those of the disclosed embodiments." Col. 4, lines 3-7.	No mention of returning technical documents to the device.
"Consequently, the specific structural and functional details disclosed herein are merely representative and do not limit the scope of the invention." Col. 4, lines 7-9.	No mention of returning technical documents to the device.
"FIG. 1 provides an overview of the main components of one embodiment of a system incorporating the teachings of the invention. A Topology Manager 20 manages broadcast events that are served from Data Stream Servers 22 to User Terminals 24 over a Data Network 26 such as the Internet." Col. 4, lines 10-14.	No mention of returning technical documents to the device.
"In one embodiment, the Topology Manager is a redundant set of software components that run	No mention of returning

on one or more Windows NT Workstation systems." Col. 4, lines 15-17.	technical documents to the device.
"The Topology Manager, using information obtained from a Scheduler 28, automatically commits resources and sets up network interconnections to produce a broadcast session on the system network." Col. 4, lines 17-20.	No mention of returning technical documents to the device.
"To track and allocate resources, the Topology Manager stores resource and event information in a Database 30." Col. 4, lines 20-22.	No mention of returning technical documents to the device.

The recited element of claim 1 is not taught. It is not surprising since Colby is directed to a very different system. Therefore, Colby fails to teach each and every limitation of claim 1 and thus fails to establish a prima facie §102 rejection. The rejection is improper and should be reversed. Accordingly, the rejection of dependent claims 2 and 6 are also improper and should be reversed. All claims should be allowed.

Independent Claim 3

Claim 3 and its dependent claims 4 and 5 were rejected under 35 U.S.C. §102(e) as being anticipated by Colby (Final Office Action page 2). However, the Office Action does not provide any basis for the rejection and does not even address the claims (Final Office Action pages 3-4). Indeed, none of the elements of claim 3 are anticipated by Colby. Therefore, a prima facie anticipation rejection has not been established and the rejection cannot stand.

Furthermore, the Office Action admits that "Colby does not explicitly teach produced [sic] an error" which is recited in independent claim 3. (Office Action,

page 5, last sentence of paragraph 11). As such, the §102 rejection of claims 3, 4 and 5 is improper and should be reversed.

Independent Claim 7

Claim 7 was rejected under 35 U.S.C. §102(e) as being anticipated by Colby. Claim 7 is directed to a method and recites in response to receiving a help command, identifying an event which has occurred on a peripheral device where the event has produced an error; using a default uniform resource locator to transmit a request to a web server; and, where the request causes the web server to return one or more technical support documents which relate to the error. Colby does not teach or suggest these features. Accordingly, claim 7 is not anticipated.

Quite different from claim 7, Colby is directed to a broadcast manager that automatically commits resources and sets up network interconnections to produce a broadcast session on a data network (Colby, Abstract and Summary). The Office Action alleges that "in response to receiving a help command, identifying an event which has occurred on a peripheral device where the event has produced an error" is taught by Colby at col. 24, lines 1-5 (Final Office Action, page 4). The cited portion of Colby provides:

> Clicking on the event icon will produce a list of events currently running. Clicking on the event name will produce a report of resources allocated to and used by the event. The Status View home page will contain the entry point to the Manual Operation home page. (Colby, col. 24, lines 1-5).

This passage describes a user clicking on a broadcast event (e.g. a TV show broadcast over the Internet). It has no relevance to error events in a peripheral device. Thus, Colby does not teach or suggest in response to receiving a help command, identifying an event which has occurred on a peripheral device

where the event has produced an error. This is also recognized in the Office Action: "Colby does not explicitly teach produced [sic] an error." (Office Action at page 5).

Regarding the claimed element of "where the request causes the web server to return one or more technical support documents which relate to the error", the Office Action cites Colby, col. 29, lines 7-21 (Office Action page 4). However, the cited section describes a Topology Manager and a Scheduling System that pass messages for scheduling events ("An event may be scheduled weeks in advance of presentation time." (Col. 29, lines 22-23). There is no disclosure relating to causing a web server to return one or more technical support documents which relate to an error as recited in claim 7. Colby fails to teach this element.

A prima facie anticipation rejection has not been established for this additional reason and the rejection cannot stand. Claim 7 should be allowed.

II. Whether Claims 3, 4, and 5 are unpatentable under 35 U.S.C. §103(a) as being obvious over Colby in view of Sullivan.

Independent Claim 3

Claim 3 includes language from claim 1, which has been shown to distinguish over Colby. Therefore, the rejection is not supported for at least this reason. Indeed, since Colby is such a different system than the present claim, none of the elements of claim 3 are taught or suggested by Colby.

Sullivan has been cited to cure only one of the deficiencies of Colby, namely, for teaching "produced an error". Appellant points out that claim 3 recites "determining whether the most recently activated event produced an error" and not

simply "produced an error". Thus, the basis of the rejection is incomplete. Piecemeal rejections are improper and all words of a claim must be considered (MPEP § 2143.03, first sentence).

Sullivan is directed to a method for automated technical support in a computer network having a client machine, and at least one server from which live help is available (Sullivan, Abstract). The cited section of Sullivan (col. 7, lines 44-51) provides, in pertinent part, "[t]he display of this error message has prompted the user to request technical support." Thus, Sullivan fails to teach or suggest the recited "determining whether the most recently activated event produced an error." Rather, a user prompts a request.

Thus, combining Sullivan with Colby fails to teach or suggest claim 3 and a prima facie obviousness rejection has not been established. The rejection is improper and should be reversed. Accordingly, the rejection of dependent claims 4 and 5 are also improper and should be reversed.

III. Whether Claims 8-15 are unpatentable under 35 U.S.C. §103(a) as being obvious over Colby, in view of Sullivan, and in view of Parupudi et al. (U.S. Patent No. 6,859,829).

Independent Claim 8

Claim 8 recites a computer program product that causes a computer to obtain a most recently activated event from a device state table in a peripheral device, request a default uniform resource locater, and return one or more technical support documents relating to the activating event.

The rejection of claim 8 rejection starts on page 7 of the Office Action. The Office Action cites Colby column 6, lines 16-56 and column 29, lines 8-43 as teaching the recited element of "obtain a most recently activated event from a

device state table in a peripheral device." The examiner's reliance on these sections is misplaced. Column 6, lines 16-56 describe a network Topology Manager that manages broadcasts and thus fails to mention anything about a peripheral device state table or obtaining events from such a state table. Colby, column 29, lines 8-43, mentions an EventMsg table on line 9, which is a table in a database (col. 29, lines 12-13, "Events table of the Sybase database"). One of ordinary skill in the art understands that a database table is not a peripheral device state table as claimed. Furthermore, "events" are broadcast events and not error events of a peripheral device. Thus, the rejection is not supported by the reference and is improper for at least this reason. A prima facie obviousness rejection has not been established.

Claim 8 further recites "return one or more technical support documents relating to the activating event". As explained with reference to claim 1 above, Colby fails to teach this feature and has nothing related to this feature. Colby fails to teach the elements for which it is relied upon and thus fails to establish a prima facie obviousness rejection even when combined with the other references. The rejection is improper and should be reversed.

Appellant notes that no part of the Sullivan reference is cited or relied upon in the rejection even though it forms the basis of the rejection of claims 8-15 (Office Action, pages 7-9). Sullivan is however cited in the "Response to Arguments" section on page 12. There, Sullivan is relied upon for teaching "produced an error" but with reference to claim 3. Thus, no citation to Sullivan is provided and no reasoning is articulated as to how it forms the basis of the rejection as applied to claims 8-15. The rejections are defective per se and should be reversed.

Independent Claim 9

Claim 9 is directed to a computer program product and recites select an event on a peripheral device where the event has produced an error message;

obtain a default uniform resource locator from firmware of the peripheral device; use the default uniform resource locator to transmit to a remote computer a request that identifies at least one of the selected event and the error message; and, return to the peripheral device one or more technical support documents relating to the error message. Colby, Sullivan and/or Parupudi, individually and/or in combination, do not teach or suggest these features. A prima facie obviousness rejection as not been established.

The Office Action on page 9 alleges that the recited element of "select an event on a peripheral device where the event has produced an error message" is taught by Colby at col. 24, lines 1-5. The examiner states that "Colby teaches clicking on the event name will produce a report used by event [sic]" (Office Action, page 8, section 20). The reliance on Colby is not on point. "Clicking" is performed by a user, not by a computer program product as claimed. Furthermore in Colby, the user is selecting an event name, which is a broadcast event. This has no relation to error events on a peripheral device. Colby is not related to the present claims and fails to teach or suggest the elements for which the rejection relies upon. The rejection is improper and should be reversed.

No portion of Sullivan was not cited against claim 9 and Purupudi was cited only for teaching a printer/scanner. Thus, these references fail to cure the deficiencies of Colby. A prima facie obviousness rejection has not been established.

Independent Claim 10

Claim 10 is directed to a system for providing technical support documents to a peripheral device via the Internet and recites a peripheral device having a web client, the peripheral device being configured to request, in response to an error event, a relevant technical support document from a web server using a default uniform resource locator. Colby, Sullivan and/or Parupudi, individually and/or in

combination, do not teach or suggest these features. Accordingly, a prima facie obviousness rejection has not been established.

As noted above, Colby is directed to a system for managing broadcast events on the Internet. The Office Action provides that "the peripheral device being configured to request, in response to an error event, a relevant technical support document from a web server using a default uniform resource locator" is taught by Colby at col. 8, lines 36-53). The cited portion of Colby relates to operation of a Topology Manager, which is a program (Colby, col. 8, lines 11-12). A program is not a peripheral device. Colby does not teach or suggest a peripheral device being configured to request, in response to an error event, a relevant technical support document from a web server using a default uniform resource locator. Further, the Office Action recognizes that "Colby does not explicitly teach produced an error." (Office Action at page 5). Thus, Colby fails to support the rejection.

No portion of Sullivan was not cited against claim 10 and Purupudi was cited only for teaching a printer/scanner. Thus, these references fail to cure the deficiencies of Colby. A prima facie obviousness rejection has not been established.

Thus, Colby fails to support the rejection for which it is relied upon and fails to establish a prima facie obviousness rejection when combined with Sullivan and/or Parupudi. The rejection is improper and should be reversed. Accordingly, rejections of dependent claims 11-15 are also improper and should be reversed.

Conclusion

For the reasons set forth above, a prima facie anticipation or obviousness rejection has not been established for any claim. All rejections have been shown to be improper. Appellant respectfully believes that all pending claims **1-15** patentably and unobviously distinguish over the references of record and that the rejections should be reversed. Appellant respectfully requests that the Board of Appeals overturn the Examiner's rejections and allow all pending claims. An early allowance of all claims is earnestly solicited.

Respectfully submitted,

January 16, 2008
Date

Peter Kraguljac (Reg. No. 38,520)

(216) 503-5400

Kraguljac & Kalnay, LLC
Summit One, Suite 510
4700 Rockside Road.
Independence, OH 44131

8. Claims Appendix

1. A method for selectively providing technical support documents from a web server having access to the requested technical support documents to a peripheral device that has printer, scanner and/or fax functionality via the Internet, the peripheral device being of the type which is capable of executing activated operating events and having an associated web client with a stored default URL for accessing the web server, the method comprising the steps of:

activating an event on the device;

requesting the default uniform resource locator with the activated event; and,

returning to the device one or more of the technical support documents that relate to the activated event of the requested uniform resource locator.

2. The method according to claim 1 further comprising the steps of:

reading device configurations from the web client;

determining whether to print or display the returned technical support document from the device configuration;

printing the returned one or more technical support documents when the device configuration indicates print; and,

displaying the returned technical support document when the device configuration indicates display.

3. A method for selectively providing technical support documents from a web server having access to the requested technical support documents from a web server having access to the requested technical support documents to a peripheral device that has a printer, scanner and/or fax functionality via the Internet, the peripheral device being of the type which is capable of executing activated operating events and having an associated web client with a stored default URL for accessing the web server, the method comprising the steps of:

activating an event on the device;

requesting the default uniform resource locator with the activated event; and,

returning to the device one or more of the technical support documents that relate to the activated event of the requested uniform resource locator:

wherein said step of requesting the default uniform resource locator further comprising the steps of:

reading a device state table of the peripheral device;

obtaining a most recently activated event from the device state table; and

determining whether the most recently activated event produced an error.

4. The method according to claim 3 wherein said step of determining whether the most recently activated event is an error further comprising the steps of:

selecting the most recently activated event when the most recently activated event produced an error; and,

requesting the default uniform resource locator without an activated event when the most recently activate event did not produce an error.

5. The method according to claim 4 wherein said step of obtaining a default uniform resource locator further comprising the steps of:

returning a help menu for activating an event;

displaying the help menu to the user;

choosing an event from the help menu by the user; and,

selecting the chosen event from the help menu as the activated event.

6. The method according to claim 1 wherein, prior to said step of requesting a default uniform resource locator with the activated event, further comprising the step of obtaining a default uniform resource locator from the web client.

7. A method comprising:

in response to receiving a help command, identifying an event which has occurred on a peripheral device where the event has produced an error;

using a default uniform resource locator to transmit a request to a web server; and,

where the request causes the web server to return one or more technical support documents which relate to the error.

8. A computer program product comprising a computer usable medium having computer readable program codes embodied in the medium that when executed causes a computer to:

obtain a most recently activated event from a device state table in a peripheral device computer, wherein the peripheral device computer is part of a peripheral device that has printer, scanner and/or fax functionality;

request a default uniform resource locator for a server having technical support documents relating to the most recently activated event; and,

return one or more technical support documents relating to the most recently activated event to the device.

9. A computer program product comprising a computer usable medium having computer readable program codes embodied in the medium that when executed causes a computer to:

select an event on a peripheral device where the event has produced an error message;

obtain a default uniform resource locator from firmware of the peripheral device;

use the default uniform resource locator to transmit to a remote computer a request that identifies at least one of the selected event and the error message; and,

return to the peripheral device one or more technical support documents relating to the error message.

10. A system for providing technical support documents to a peripheral device via the Internet, comprising:

a peripheral device having a web client, the peripheral device being configured to request, in response to an error event, a relevant technical support document from a web server using a default uniform resource locator; and,

a web server for responding to the request by returning the relevant technical support document relating to the error event.

11. The system as defined in claim 10 further comprising a dedicated switch on the peripheral device for users to request technical support documents.

12. The system as defined in claim 11 wherein said dedicated switch is a push button located on the peripheral device.

13. The system as defined in claim 11 wherein said dedicated switch is an icon that is displayed on the control panel of the peripheral device.

14. The system as defined in claim 10 wherein said peripheral device further comprising a device state table for storing a log of events of the device, wherein the most recently activated event from the device state table is the activated event when the peripheral device makes a technical support document request.

15. The system as defined in claim 10 wherein the activated event is appended to the request for the default uniform resource locator.

9. Evidence Appendix

None. There is no extrinsic evidence.

10. Related Proceedings Appendix

None. There are no related proceedings.